
REMARKS

These remarks are made in response to the final Office Action of June 15, 2004 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due.

In paragraphs 1-2 of the Office Action, the Examiner properly indicates that claims 1-18 and 22-27 are presently pending in the current application. Claims 19-21 have been withdrawn from consideration without prejudice. Withdrawal of claims 19-21 results from a restriction requirement set forth in an office action dated November 4, 2003 as set forth in the Applicants' response submitted on December 4, 2003.

In paragraphs 4 and 5 of the Office Action, claims 1-18 and 22-27 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,349,132 to Wesemann, *et al.* (Wesemann). In response, the Applicants filed an affidavit under 37 C.F.R. § 1.131 showing the Applicants' date of invention predates Wesemann. The affidavit was accompanied by a copy of the Applicants' confidential invention disclosure entitled "Method and Apparatus for Synchronized Voice and Visual User Interface Access to Internet Web-Based Information". The confidential invention disclosure and affidavit demonstrated proof of conception for the claimed subject matter of the Applicants' invention at least as early as November 11, 1999, which predates the December 16, 1999 filing date of Wesemann.

The Patent Office rejected Applicants affidavit under 37 C.F.R. § 1.131 as allegedly failing to show due diligence by Applicants from the date of the invention disclosure and as allegedly failing to support Applicants' claimed invention. This rejection is respectfully traversed.

Applicants resubmit herewith the affidavit under 37 C.F.R. § 1.131 showing the Applicants' date of invention predates Wesemann. The affidavit is accompanied by a copy of the Applicants' confidential invention disclosure entitled "Method and Apparatus for Synchronized Voice and Visual User Interface Access to Internet Web-Based Information". Additionally, Applicants submit an affidavit signed by counsel for the assignee of the present application, IBM, that provides additional details showing that Applicants exercised due diligence from the date of the invention disclosure to the date the present application was filed. This affidavit also

provides factual support showing that the subject matter set forth in the invention disclosure supports Applicants' claimed invention.

As set forth more specifically in the affidavit, the invention disclosure was created by the inventors at least as early as November 11, 1999. As set forth in the accompanying affidavit, once an invention disclosure has been created, it cannot be further amended by the inventors. As such, the invention is "complete" and, accordingly, supports the invention that is claimed.

More specifically, and in regards to the independent claims, the invention disclosure describes accessing network-based electronic content in a Voice Browser and a Visual Browser ("synchronized voice and visual user interface access to internet web-based information" and the steps of retrieving a network-based document formatted for display in the Visual Browser; identifying in the retrieved document a reference to the Voice Browser, said reference specifying electronic content formatted for audible presentation in the Voice Browser; and, transmitting said reference to the Voice Browser; the Voice Browser retrieving said specified electronic content and audibly presenting said electronic content in the Voice Browser; the Visual Browser visually presenting said network-based document concurrently with said audible presentation (see, e.g., the embodiment on page 2 of the disclosure regarding audible directions as well as a map in regards to a request for directions).

Accordingly, as the invention disclosure is complete at the time of creation and as the invention disclosure describes the invention as claimed, Applicants' respectfully submit that the invention disclosure supports Applicants' claimed invention.

In regards to diligence, as set forth in the affidavit, once an invention disclosure is completed, the disclosure is reviewed by an invention review board in regards to whether or not to prepare an application on the submitted invention. As shown in the affidavit, the invention disclosure was approved and outside counsel were instructed to prepare the application on November 29, 1999, less than three weeks after the invention disclosure was completed, and still prior to the December 16, 1999 filing date of Wesemann. The application was prepared, reviewed by the inventors and filed less than seven months later.

Accordingly, it is respectfully submitted that Applicants exercised due diligence from the date the invention was conceived to the date the application was filed as the invention was


reviewed, the application prepared, reviewed and filed within eight months from conception of the invention.

Therefore, as the invention disclosure fully supports Applicants' claimed invention and as Applicants exercised due diligence from November 11, 1999 until June 28, 2000, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(e) rejection with respect to claims 1-18 and 22-27.

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this response, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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Gregory A. Nelson, Registration No. 30,577
Theodore M. Green, Registration No. 41,801
Brian K. Buchheit, Registration No. 52,667
AKERMAN SENTERFITT
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000